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HB 383 RELATING TO ENVIRONMENTAL IMPACT STATEMENTS

Statement for
House Committee on
Ecology and Environmental Protection
Public Hearing, 2 March 1979

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HB 383 proposes two amendments to the State environmental impact statement law, HRS 343. This statement on the bill does not reflect an institutional position of the University.

Both amendments proposed in HB 383 affect HRS 343-4(a)(1). The first is merely an editorial change in subsection (b) to replace the numerals 300 with the words three hundred. The 300-foot seaward phrase is not really needed at all, because the area seaward of the shoreline is in the conservation district which is covered in subsection (A).

The second amendment would add, through a new subsection, a new category of actions requiring environmental assessment. This category would include any project that would have "a significant effect on current and future supplies of energy resources which would result in the depletion of such resources." A first minor question concerning this amendment relates to its phraseology. "Supplies of energy resources" is either meaningless or redundant. We suggest that the probable intent could be met by phrasing the amendment as "All actions resulting in significant depletion of energy resources," or as "All actions resulting in significant decrease in current or future energy supplies to Hawaii," even though neither of these suggested phraseologies would exactly parallel the phraseology used elsewhere in the EIS law.

There are, however, more important issues to be pointed out.

1. Energy resources liable to depletion are primarily non-renewable resources. The non-renewable energy resources on which Hawaii is now most dependent are non-Hawaiian petroleum resources. The extent of these resources and their reliability as sources of supply in Hawaii should be of concern. However, effects on the environment remote from Hawaii have not been the particular concern of the State EIS system up to the present. Would the concern with these external resources best be expressed by the proposed amendment?
2. Is the test of significance to be judged in terms of supplies available to Hawaii, in terms of the overall supplies from the resources from which Hawaiian supplies are drawn, or in terms of the resources themselves?
4. The EIS on a project, if required, would have to treat all of the environmental impacts, not merely the energy resource impacts, even if the disclosure and appraisal of the other impacts could legally have no bearing on the decision to undertake or permit the project. Is it wise to require the analysis and disclosure of impacts that have no practical importance in the decision-making process?

It should be recognized that most actions that will have large energy impacts are already covered in the EIS Act-- major highways, mass transit systems, airports, and power plants for example--and that the commitments of energy resource commitments that they imply must be described in the EIS's.

If an EIS were required for every project that would create a significant energy demand, the effect would be nearly be to nullify the restriction of EIS requirements (in the case of private projects) to the six categories now recognized in the Act.

The intent of HB 383 may be to call attention to the gravity of the energy picture. There are probably better ways to do this.